



Atty. Docket No.: 15675.P364

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carine NIZARD et al.

Application No.: 09/869,692

Filed: August 27, 2001

For: **COSMETIC OR DERMATOLOGICAL
COMPOSITION CONTAINING AN ACTIVE
AGENT WHICH STIMULATES SYNTHESIS OF
THE PROTEIN HSP 32 IN THE SKIN, AND
COSMETIC TREATMENT METHOD**

Examiner: Marina Lamm

Art Group: 1616

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RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the outstanding Office Action mailed December 3, 2002, Applicant elects Species (a), corresponding to PCOs. As to the claims readable on the elected species, Applicant notes that the Examiner indicated that Claims 3 and 4 correspond to the elected species and the remaining claims, excepting for Claim 5 are generic and, therefore, also read on the elected species. As to Claim 5, it is Applicant's position that Claim 5 also reads on the elected species since Claim 1 covers:

the use of PCOs or

the use of caffeic acid esters, or use of a mixture of PCO and caffeic acid esters


for the preparation of a composition for activating the endogenous synthesis of HSP 32 or a functional peptide fragment of such a protein.

Accordingly, since PCOs may be in mixture with caffeic acid esters, it is submitted that Claim 5, as well as the remaining claims are readable on the elected species.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

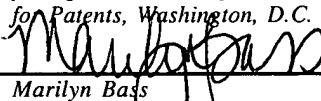
Dated: March 10, 2003


Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: March 10, 2003.


Marilyn Bass

March 10, 2003
Date